

Remarks

Applicants acknowledge receipt of the Office Action mailed November 28, 2003. Applicants respectfully submit that the present Response and Amendment is a reply to every ground of objection or rejection raised in the Office Action and places the application in condition for allowance. The following remarks address the objections, rejections and comments made by the Examiner in the order that the objections, rejections and comments appear in the Office Action.

Response to objections made in paragraph numbered 2

Claims 3, 4, 8-12 15, 17, 32 and 34 were with drawn from further consideration because there was not an allowable generic or linking claim. Applicants submit that generic or linking claims are now allowable, specifically Claims 1 and 28 are allowable. Applicants request that Claims 3, 4, 8-12 15, 17, 32 and 34 be rejoined at this time.

Response to objections made in paragraphs numbered 3-6

In paragraph no. 3, first item, the Examiner objected to the Abstract. Applicants submits that the abstract as amended by this Response and Amendment is acceptable as discussed with respect to objection made in paragraph numbered 7 below.

In paragraph no. 3, first item, the Examiner objected to the Description and Figures as being inconsistent. With this response Applicant submits proposed drawing changes which are included in this response as a REPLACEMENT SHEET for drawing sheet 3. Optional Annotated Sheets Showing Changes have also been included with this Response for the Examiner. Applicants submits that the Specification and Drawings are now consistent. Applicant further submits that the proposed drawing changes and accompanying REPLACEMENT SHEET adequately illustrate a means for connection 32 and an external means for pumping 50. Applicant has also amended the description of Figure 4 to clarify that an external means for pumping is not illustrated in Figure 4. Applicant submit that all of the objections to the drawings and related objections are resolved by the amendments to Figure 5 and the description of Figure 4. In the event that the Examiner disagrees with Applicant or suggests other changes, Applicant respectfully request the Examiner to contact the attorney of record via phone at 770-587-8620 to resolve any issues that the Examiner may have.

Response to objections made in paragraphs numbered 7 and 8

In paragraph no. 7, the Abstract was objected to because the terminology “means” was used. Applicant respectfully submits that terminology such as means **should** be avoided but must not necessarily be avoided. However, Applicant has amended the Abstract to remove the “means” terminology and other informalities pointed out by the Examiner, including the length of the Abstract.

In paragraph no. 8, first item, the Summary was objected to because it is the Examiner’s position that the Summary, Description and Claims are not commensurate, particularly with respect to claiming a desiccant. Applicants respectfully submit that a desiccant is described in the Specification on page 8 as originally filed and in original Claim 8 as well as Claim 34. Although Claims 8 and 34 have been withdrawn as being drawn to a non-elected species with no generic or linking claim allowed, Applicant submits that Claims 8 and 34 should be rejoined when generic Claims 1 and 28 are allowed. Accordingly, Applicants submit that the objected subject matter should not be removed.

In paragraph no. 8, second item, the Examiner objected to the use of the term “STARRET-type”. Applicants have amended this patent application to remove “-type” from STARRET and inserted “or the like”.

In paragraph no. 8, third item, the Examiner objected to the use of terminology in the paragraph bridging pages 12-13 that the Examiner deemed improper as “legal interpretation which is determined by the courts and legislature” without providing any legal support for the objection. Applicant submits that there is no legal support for the objection and that the objection is improper and should be withdrawn. In the alternative, Applicant will amend the language that is objected to by the Examiner if the Examiner will specifically point out a relevant law or rule that supports the Examiner’s objection.

Response to objections made in paragraph numbered 9

Applicant, by this response and amendment, has amended Claims 6, 13 and 30 to remove the objections made by the Examiner.

Response to rejections made in paragraphs numbered 11-14

Claims 1, 2, 5-7, 13, 14, 16, 18-31 and 33 were rejected under 35 U.S.C §102(e) as being anticipated by U.S. Patent No. 6,454,749 to Lau et al. (hereinafter “Lau”). Although Lau describes and illustrates a diaper with dynamic air flow and other features that are similar to or the same as those described in the present patent application, Lau

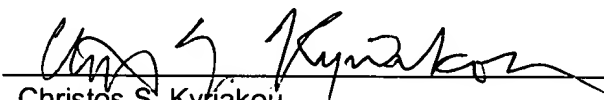
does not describe a diaper or any other absorbent article that includes **“a means for connecting which permits the connecting of a means for pumping”**. The means for connecting described and presently claimed in Claim 1 of the present patent application allows for an external means for pumping, for example a cylinder of air such as an oxygen tank or the like (see the first full paragraph on page 8 of the originally filed specification) or an external means for pumping as presently claimed in Claims 18 and 19, to be connected to the personal care article so that air or another gas can be pumped into the personal care article. Applicants respectfully submit that Lau does not describe such a means for connecting. Lau describes a diaper and other absorbent articles that include a bellows that is actuated by a wearer to provide air flow. The bellows is illustrated as internal and is not connected to a means for connecting. Specifically, the connection between item 21 and item 25 in Figure 5 of Lau is not a connection means as presently described and claimed. The connection between items 21 and 25 does not permit the connection of a means for pumping. The presently claimed means for connecting allows for a pump to be removably connected, for example connected and disconnected, from a personal care product as presently claimed in withdrawn Claim 32. Accordingly, Applicants submit that the rejections made in paragraphs numbered 11-13 are improper and should be withdrawn.

Conclusion

For the above-stated reasons, the application, figures and claims are believed to be in condition for allowance and a Notice of Allowance is respectfully requested. Should any questions arise with regard to this application the Examiner is encouraged to contact the undersigned at (770)-587-8620. Please charge any prosecutorial fees which are due, including but not limited to fees for extensions in order to keep the present patent application pending, to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

J. Davis et al.

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CERTIFICATE OF MAILING

I, Christos S. Kyriakou, hereby certify that on April 28, 2004 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

By:


Christos S. Kyriakou



REPLACEMENT SHEET
"Absorbent Article With Dynamic Air Flow"
James A. Davis et al.
Docket #16,234

Serial No.: 09/866,326

*marked copy
revisions to drawings
for Examiner*

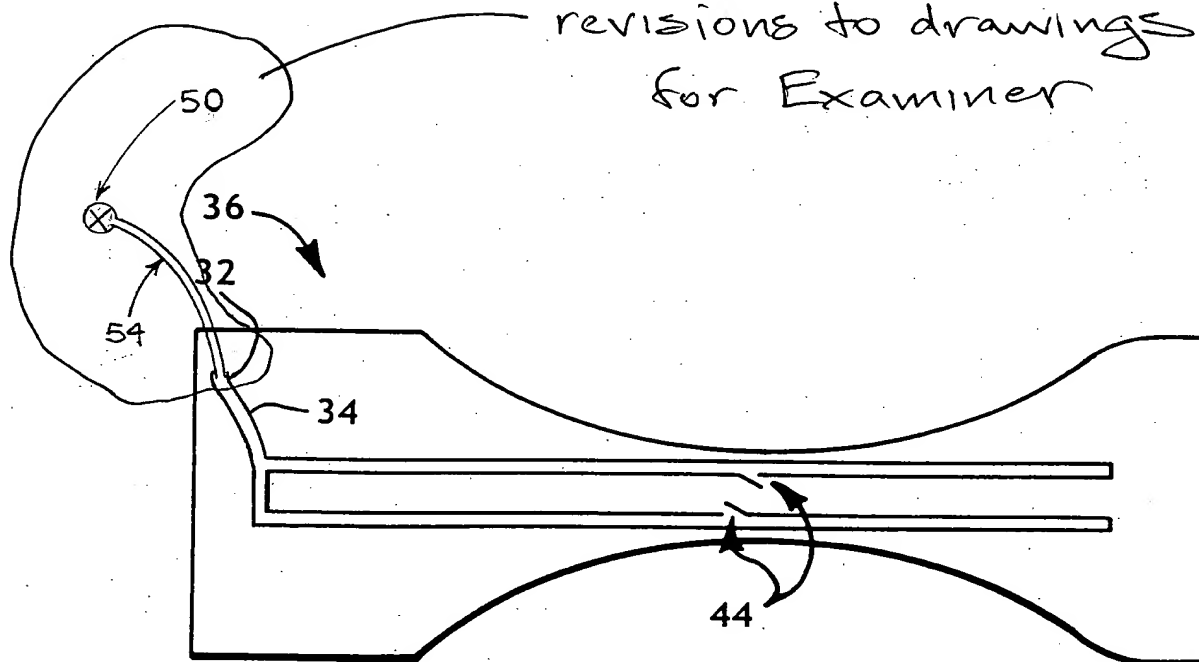


FIG. 5